



CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Christine L. O'Rourke

Type or print name

Christine L. O'Rourke

Signature

10-3-06

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: BOREA ET AL.

Group Art Unit: 1614

Serial No.: 10/603,406

Examiner: Graffeo, Michel

Filed: June 24, 2003

Attorney Docket No.: PAT-0040-US-NP2

For: **ENHANCING TREATMENT OF MDR CANCER WITH ADENOSINE A₃
ANTAGONISTS**

Mail Stop: Amendment

Conf. No.: 4184

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Sir:

King Pharmaceuticals Research & Development, Inc., having a place of business at CentreGreen Two, Suite 300, 4000 CentreGreen Way, Cary, North Carolina 27513, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which has been recorded in the United States Patent and Trademark Office on November 12, 2003, Reel No. 014681/Frame No. 0988.

King Pharmaceuticals Research & Development, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, and as shortened by any terminal disclaimer filed prior to the grant of any patent granted on copending reference Application No. 10/600,116, filed on June 20, 2003. Said reference application is also assigned to King Pharmaceuticals Research & Development, Inc., by virtue of an

assignment which assignment has been recorded in the United States Patent and Trademark Office on January 22, 2005, Reel No. 016211/Frame No. 0119.

King Pharmaceuticals Research & Development, Inc., hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on said reference application are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, King Pharmaceuticals Research & Development, Inc., does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on said reference application, and as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 3rd day of October, 2006 by the undersigned attorney of record.

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Respectfully submitted,



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